

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

TERESA ANNETTE MERRILL,

Plaintiff,

vs.

COMMISSIONER,  
Social Security Administration,

Defendant.

Case No. 6:18-cv-00485-AC

ORDER GRANTING PLAINTIFF'S  
MOTION FOR APPROVAL OF  
ATTORNEY FEES PURSUANT TO 42  
U.S.C. § 406(b)

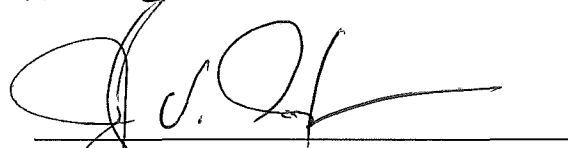
---

Plaintiff Teresa Annette Merrill brought this action seeking review of the Commissioner's final decision denying her application for disability benefits under the Social Security Act. Based on the stipulation of the parties, the Court reversed the Commissioner's decision, remanded the case for further proceedings, and entered Judgment on April 30, 2019.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$15,030.66 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney fees in the amount of \$4,108.22 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. When issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amounts awarded for EAJA and administrative fees and send the balance of \$10,922.44, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorneys at HARDER, WELLS, BARON & MANNING, P.C., 474 Willamette Street, Eugene, Oregon 97401. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 13<sup>th</sup> day of March 2020.

  
JOHN V. ACOSTA  
United States Magistrate Judge

Proposed Order submitted by:  
Katherine L. Eitenmiller  
HARDER, WELLS, BARON & MANNING, P.C.  
474 Willamette Street  
Eugene, OR 97401  
(541) 686-1969  
keitenmiller@hwbm.net  
Of Attorneys for Plaintiff